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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,289	06/28/2002	Charles Edward Kuhlmann	RAL920010029	4433

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EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,289

Applicant(s)

KUHLMANN ET AL.

Examiner

Dinesh N Melwani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-11, 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Henson (U.S. Patent No. 6,167,383). Henson discloses a method and computer program for optimizing a product where the product includes at least one customer-selectable component, the method comprising the steps of: receiving the product order (col. 4, lines 41-43); determining component information in real-time (col. 6, lines 44-65); and offering the customer at least one order option in real time based on a result of the determination, see Fig. 1-3A and 11. In regards to claims 2 and 10, Henson's component information includes component cost and component delivery lag time. As it concerns claims 3, 11, and 18, Henson's one option includes offering the customer an alternative component (i.e., as indicated by the "pull-down" arrows in Fig. 3A). In regards to claims 5 and 13, Henson further discloses the step of scheduling a product delivery schedule with a shipper system; see Fig. 9 and col. 12, lines 40-64. In regards to claims 6, 7, 14, and 15, Henson's method and program determines the manufacturing site based on the manufacturing site capacity. In regards to claims 8 and 16, Henson's method and program further includes the step of confirming one of customer product fulfillment conditions by allowing the customer to "checkout" by paying and specifying shipping information.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent No. 6,167,383) in view of Salvo *et al.* (U.S. Patent No. 6,341,271). Henson discloses a method for optimizing a product order substantially as claimed; wherein said method provides real-time component information from the manufacturer to the consumer. However, Henson is silent to the exact method the manufacturer uses to obtain said components from its suppliers. Salvo discloses an inventory management system that includes the steps of monitoring the manufacturer's inventory supply in real-time to determine if a component is unavailable, determining an appropriate supplier and placing an order for the component, see col. 11, lines 18-37. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Salvo, in regards to a real-time inventory monitoring system that automatically re-orders unavailable inventory, to modify Henson such that lowest total cost purchasing, ordering, and delivery of inventory would be achieved and thereby further increasing the efficiency of Henson's online store.

Conclusion

Art Unit: 3677


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farrell *et al.* (U.S. Patent No. 6,282,518), Bhaskaran *et al.* (U.S. Patent No. 6,157,915), Johnson *et al.* (U.S. Patent No. 6,505,172), and Vrhel, Jr. *et al.* (U.S. Patent No. 6,598,223) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM
July 27, 2003


ROBERT J. SANDY
PRIMARY EXAMINER